

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:24-cv-00306

State of Texas et al.,
Plaintiffs,

v.


United States Department of Homeland Security et al.,
Defendants.

ORDER

Before the court is a motion to strike declarations attached to the brief of amici curiae CHIRLA et al. or, in the alternative, to clarify the evidentiary weight of those declarations. Doc. 110. The court denies the motion to strike those declarations, as the court previously granted leave for declarations to be attached to that brief so that amici have a full opportunity to offer their perspective. Doc. 88 at 8. As the court previously stated, however, those declarations “are not trial exhibits” and may be considered only for any “persuasive weight in evaluating the evidence.” *Id.*

Because amici curiae are not parties who were subject to the obligations of discovery, the court confirms that the attachments to their amicus brief are not admissible evidence and may be considered by the court, if at all, only to highlight any persuasive force or lack of persuasive force of the evidence admissible at trial. The declarations are given the same effect on summary judgment, as that relief turns on whether factual disputes are created by admissible evidence, not by untested submissions of non-parties. The motion for clarification is granted to that extent.

So ordered by the court on November 1, 2024.



J. CAMPBELL BARKER
United States District Judge